

1999 Assembly Bill 239

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1999 WISCONSIN ACT 7

AN ACT to create 146.50 (8g) and 895.48 (4) of the statutes; **relating to:** limitations on and requirements for use of semiautomatic defibrillators by individuals other than emergency medical technicians and first responders – defibrillation, providing civil immunity for the use and requiring the department of health and family services to review training courses for the use.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 146.50 (8g) of the statutes is created to read:

146.50 (8g) SPECIAL USE OF SEMIAUTOMATIC DEFIBRILLATORS. (a) In this subsection:

1. “Cardiac arrest” means the sudden cessation of cardiac function and the disappearance of arterial blood pressure that connote ventricular fibrillation or pulseless ventricular tachycardia.

2. “Pulseless ventricular tachycardia” means a disturbance in the normal rhythm of the heart that is characterized by rapid electrical activity of the heart with no cardiac output.

(b) Notwithstanding subs. (6g) (b) and (8) (e), a person other than an emergency medical technician or a first responder – defibrillation may use a semiautomatic defibrillator in rendering emergency care or treatment to an individual who appears to be in cardiac arrest if the person has received training in a course that is approved by the department under par. (d).

(c) A person who provides a semiautomatic defibrillator for use under par. (b) shall do all of the following:

1. Provide written notification to the nearest emergency medical services program under s. 146.55 (2). The

notification shall include information as to the type of the semiautomatic defibrillator, the location of the defibrillator on the premises of the person, the intended usage area for the defibrillator and the owner of the defibrillator.

2. Ensure that the semiautomatic defibrillator is maintained and tested in accordance with any operational guidelines of the manufacturer.

(d) The department shall review training courses for the use of a semiautomatic defibrillator under this subsection and may approve those training courses that satisfy standards for approval that are specified by the department.

SECTION 2. 895.48 (4) of the statutes is created to read:

895.48 (4) (a) Any of the following who meets the applicable requirements of s. 146.50 (8g) and who acts within the applicable limitations of s. 146.50 (8g) is immune from civil liability for the acts or omissions of a person in rendering in good faith emergency care by use of a semiautomatic defibrillator under s. 146.50 (8g) to an individual who appears to be in cardiac arrest:

1. The person who renders the care.
2. The owner of the semiautomatic defibrillator, as specified in s. 146.50 (8g) (c).
3. The person who provides the semiautomatic defibrillator for use, as specified in s. 146.50 (8g) (c).

* Section 991.11, WISCONSIN STATUTES 1997–98: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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4. The provider of training required under s. 146.50 (8g) (b).

(b) The immunity specified in par. (a) does not extend to any of the following:

1. A person whose act or omission resulting from the use or the provision for use of the semiautomatic defibrillator constitutes gross negligence.

2. A health care professional who renders emergency care for compensation and within the scope of his or her usual and customary employment or practice at a hospital or other institution equipped with hospital facilities, at the scene of an emergency or accident, enroute to a hospital or other institution equipped with hospital facilities or at a physician's office.
